

DEC 20 2006

Application No. 09/844,251
Filed: April 27, 2001
TC Art Unit: 2832
Confirmation No.: 8919REMARKS

In the most recent Office Action, claims 12-15 and 20 were pending. Claims 12-14 and 20 are allowed. Claim 15 is rejected.

In response, Applicant maintains claims 12-15 and 20 in the application. No new matter is added.

Allowable Subject Matter

Applicant gratefully acknowledges the allowability of claims 12-14 and 20.

Claim Rejections - 35 U.S.C. § 103

The Office Action states that claim 15 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Kim (U.S. Patent No. 6,300,152) in view of Zavracky (U.S. Patent No. 5,638,946). In particular, the Office Action states that while Kim fails to disclose contact formation including Ru (Ruthenium), the same is disclosed by Zavracky in an obvious combination. Applicant respectfully traverses the rejection.

In the section of the Office Action entitled Response to Arguments, the Examiner states that Kim discloses how to create a microscopic contact with improved contact resistance. The Office Action further states the position that it would have been obvious to one of ordinary skill in the art at the time the invention was made to use Ru for the contact electrodes of Kim since it is a well-known contact material as disclosed by Zavracky.

Applicant first notes that the contact resistance discussed in the disclosure by Kim refers to a general concept in semiconductor processing typically observed at the junction of two

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WEINGARTEN, SCHURGIN,
GAGNEBIN & LEBOVICI LLP
TEL. (617) 542-2290
FAX. (617) 451-0313

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dissimilar materials. The contact resistance recited in claim 15 is clearly of a different character and function with respect to the contact of a microswitch. The contact of the microswitch of the present invention is repeatedly connected and disconnected with another contact of the switch when the switch is repeatedly actuated. No such operation is disclosed by Kim. Accordingly, one of ordinary skill would not turn to the disclosure by Kim, which represents the formation of a solid state pixel electrode, to solve the problems associated with contact resistance in a microswitch that opens or closes through displacement of a microswitch component to connect or disconnect microswitch contacts.

Furthermore, Applicant submits that if the pixel electrode disclosed by Kim were composed of Ru, the pixel electrode would no longer be transparent, as the disclosure by Kim specifically requires (column 4, lines 25-39). Kim calls for the pixel electrode to be composed of indium-tin-oxide (ITO) as a transparent conducting layer. Ru is an opaque metal. Accordingly, if the pixel electrode of Kim was composed of Ru, in accordance with the proposed modification in the Office Action, the cited prior references of Kim would be rendered unsatisfactory for its intended purpose. Therefore, there is no suggestion or motivation to make the proposed modification. *In re: Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). In addition, the proposed modification would change the principal of operation of the cited prior art reference of Kim. Therefore, the teachings of the cited prior art reference of Kim and Zavracky are not sufficient to render claim 15 *prima facie* obvious. *In re: Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959).

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WEINGARTEN, SCHURGIN,
GAGNEBIN & LEBOVICI LLP
TEL. (617) 542-2290
FAX. (617) 451-0313

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In view of the above discussion, Applicant submits that a *prima facie* case of obviousness has not been established against claim 15, and no teaching or suggestion is present in the references for the modification proposed in the Office Action. Applicant therefore respectfully submits that the rejection of claim 15 under 35 U.S.C. § 103(a) over Kim in view of Zavracky is overcome, and respectfully requests that it be reconsidered and withdrawn.


Conclusion

Applicant respectfully submits that all the claims of the application are now in condition for allowance, and earnestly solicits notice to that effect. The Examiner is encouraged to telephone the undersigned attorney to discuss any matter which would expedite allowance of the present application.

Respectfully submitted,

RICHARD H. MORRISON, JR. ET AL.

By:


Brendan J. Kennedy
Registration No. 41,890
Attorney for Applicant(s)WEINGARTEN, SCHURGIN,
GAGNEBIN & LEOVICI LLP
Ten Post Office Square
Boston, MA 02109
Telephone: (617) 542-2290
Telecopier: (617) 451-0313BJK/dmc
342551.1

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WEINGARTEN, SCHURGIN,
GAGNEBIN & LEOVICI LLP
TEL. (617) 542-2290
FAX. (617) 451-0313

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